

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Tabor Ranch LLC
% Eugene Taber
PO Box 61
Shawmut, MT 59078
2. Type of action: Application to Change Water Right No. 40A 30154792
3. Water source name: Groundwater
4. Location affected by project: NENWNE Section 36, T6N, R16E, Wheatland County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The proposed change is to add five additional stock tanks to Groundwater Certificate No. 40A 30107479. A total of 16 stock tanks will be included in the system and the point of diversion is a well located in the NENWNE Section 36, T6N, R16E, Wheatland County. The stock watering system operates at 10 gallons per minute. All tanks have float/shut off valves. The new stock tanks are located in:

1 tank: SENWNW Section 18, T6N, R17E, Wheatland County
1 tank: SESENEW Section 7, T6N, R17E, Wheatland County
1 tank: NENWSW Section 27, T6N, R17E, Wheatland County
1 tank: NENESW Section 26, T6N, R17E, Wheatland County
1 tank: NWNWSE Section 35, T6N, R17E, Wheatland County

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Department of Environmental Quality – Website
Montana Department of Fish, Wildlife, and Parks – Website
National Wetlands Inventory – Website
Montana Natural Heritage Program – Website
USDA Web Soil Survey – Website

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

N/A – This appropriation is an existing well that is not increasing or changing the use.

Determination: No significant impact

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

N/A – This appropriation is an existing well that is not increasing or changing the use.

Determination: No significant impact

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

No impacts identified. The existing groundwater certificate (40A 30154792) was issued for use of water by 300 animal units from the period of January 1 - December 31. There will be no change in the period of diversion or number of animal units being watered under this right.

Determination: No significant impact

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

The means of diversion has already been completed under the existing groundwater certificate (40A 30154792). The water is conveyed through a buried pipeline to the additional 5 stock tanks.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

According to the Montana Natural Heritage Program website, the Bureau of Land Management (BLM) lists the Black Tailed Prairie Dog and Greater Sage Grouse as sensitive species. The Montana Sage Grouse Habitat Conservation Program lists the place of use as being within "General" Sage Grouse Habitat. The addition of new stock tanks in pastures that have historically been used for livestock is not anticipated to cause an adverse effect to the listed species. There are no federally listed plant species within the project area.

Determination: No significant impact

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

The conveyance pipeline does not cross any wetlands.

Determination: No significant impact

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

There are no natural ponds within the place of use

Determination: No significant impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

No impacts identified. This water project is for stock water tanks in pastureland and will not influence soil quality, stability, or moisture content.

Determination: No significant impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

No vegetation was listed as endangered or threatened by the USFWS for the project area. The control of noxious weeds is the responsibility of the property owner.

Determination: No significant impact

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

There are no air quality concerns with this project.

Determination: No significant impact

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

NA-project not located on State or Federal Lands.

Determination: No significant impact

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: NA – Project not located on State or Federal Lands

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: No impact identified

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: This project will have no impact on human health

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes X No ___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No significant impact

Cumulative Impacts: No significant impact

3. *Describe any mitigation/stipulation measures:* N/A

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* There are no reasonable alternatives to the proposed action. The means of diversion and conveyance have already been completed.

PART III. Conclusion

1. Preferred Alternative: Add the new stock tanks as proposed

2 Comments and Responses:

3. Finding:

Yes ___ No **X** Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Steven B. Hamilton

Title: Regional Manager – Lewistown Regional Office

Date: September 28, 2022